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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

CR. S-01-295-DFL

12 v.

O R D E R

13 JOVITA R. MERCADO,

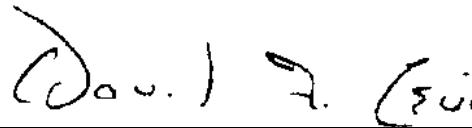
14 Defendant.
15 _____/

16 Defendant Jovita R. Mercado seeks an order by the court
17 discharging the remaining balance on her restitution obligation
18 in return for a lump sum payment of \$50,000. At present, Mercado
19 owes over \$600,000 in restitution. She is making restitution
20 payments of \$200 per month as a condition of supervised release.
21 According to defendant, supervised release will terminate in
22 February 2007. Although it is not entirely clear from the
23 motion, it appears that defendant is attempting to discharge her
24 restitution obligation now so that she does not face collection
25 activity by the government or the victims after her discharge
26 from supervised release.

1 The motion is DENIED. Defendant fails to show that the
2 current restitution schedule is a financial hardship. Indeed,
3 the very fact that defendant is capable of raising \$50,000
4 demonstrates that the monthly payments are not oppressive.
5 Moreover, for the reasons stated in the government's opposition,
6 the court has no authority to reduce or discharge defendant's
7 restitution obligation. Nor would it do so, if it had the
8 authority, given that defendant owes a great deal of money to the
9 victims and may have some assets that could be liquidated for
10 their benefit.

11 IT IS SO ORDERED.

12 Dated: 8/24/2006

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DAVID F. LEVI
16 United States District Judge
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